

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

(1) LINDA SEWELL, an individual,	)	
and (2) RICHARD SEWELL, an individual,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 15-CV-314-TCK-TLW
	)	
(1) CSAA GENERAL INSURANCE	)	
COMPANY, a/k/a and/or d/b/a AAA	)	
INSURANCE COMPANY, a/k/a and/or	)	
d/b/a AAA, a Foreign for Profit	)	
Corporation; and	)	
(2) JANE DOE, an individual; and	)	
(3) JOHN DOE, a business entity,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

The Petitioner, CSAA General Insurance Company (“CSAA”), Defendant in the above-captioned case, states the following:

1. The above-entitled cause was commenced in the District Court of Tulsa County, entitled *Linda Sewell, an individual and Richard Sewell, an individual v. CSAA General Insurance Company, a/k/a and/or d/b/a AAA Insurance Comapny, a/k/a and/or dba AAA, a foreign for profit corporation, Jane Doe and John Doe*, Case No. CJ-2015-1602. CSAA was served Summons and Petition via service on the Oklahoma Insurance Department on May 12, 2015. A copy of Plaintiffs’ Petition setting forth the claim for relief upon which the action is based is attached hereto and marked Exhibit 1. A copy of the Summons served upon CSAA is attached hereto and marked Exhibit 2.

2. CSAA is incorporated in the State of Indiana, with its principal place of business in the State of California. Plaintiffs are residents and citizens of the State of Oklahoma. (*See* Petition, p. 1, ¶ 1, Ex. 1). Under the federal removal statutes the presence of “John Doe” defendants at the commencement of an action creates no impediment to removal. *See* 28 U.S.C. § 1441(b) (“[T]he citizenship of defendants sued under fictitious names shall be disregarded”). Plaintiffs’ cause of action is for alleged breach of an automobile insurance policy and alleged breach of the duty of good faith and fair dealing. The matter in controversy between the Plaintiffs and Defendant, according to Plaintiffs’ demand, exceeds Seventy-Five Thousand Dollars, exclusive of interest and costs. (*See* Petition, p. 2, Ex. 1).

3. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332 (1992), by reason of the fact that this is a civil action wherein the amount in controversy, according to Plaintiffs’ demands, exceeds Seventy-Five Thousand and No/100ths Dollars (\$75,000.00), exclusive of interest and costs and is between citizens of different states. Accordingly, this action may be removed by CSAA pursuant to 28 U.S.C. § 1441(a).

4. This Notice of Removal is filed in this Court within thirty (30) days after May 12, 2015, the date CSAA was served with a copy of Plaintiffs’ Petition, which was the initial pleading setting forth the claim for relief upon which this is based.

5. Copies of all process, pleadings, and Orders served upon CSAA have been attached hereto as Exhibits 1 and 2. Pursuant to LCvR 81.2, a copy of the state court docket sheet is attached as Exhibit 3.

**WHEREFORE**, Defendant, CSAA General Insurance Company, prays that this action be removed.

Dated this 3<sup>rd</sup> day of June, 2015.

Respectfully submitted,

**ATKINSON, HASKINS, NELLIS,  
BRITTINGHAM, GLADD & FIASCO**

A PROFESSIONAL CORPORATION

/s/ Gregory D. Nellis

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 3<sup>rd</sup> day of June, 2015, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

John Paul Truskett, OBA #20550

Samuel T. Perrine, OBA #32165

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/s/ Gregory D. Nellis